

### **REMARKS**

Claims 73-126 are pending in the present application. Pursuant to 37 C.F.R. 1.121(c), no listing of claims is provided herewith because no claim changes, claim cancellations, or new claims are requested at this time.

#### **Response to Restriction Requirement (Election with Traverse)**

The Office Action dated October 14, 2008 required that the Applicant elect a single invention for further prosecution on the merits, selected from the following two groups:

Group I, claims 73-108 and 124-126, drawn to an article; and

Group II, claims 109-123, drawn to a method.

Without conceding the propriety of the restriction requirement, the Applicant provisionally elects Group I, claims 73-108 and 124-126, directed to an article, in particular a multilayer pipe. Such election is without prejudice to pursue the non-elected claims at a future date in this or in another application. In addition, the Applicant requests rejoinder of the non-elected claims, where appropriate, should the elected invention be found allowable.

#### **Request for Reconsideration**

The Applicant hereby requests reconsideration and withdrawal of the restriction requirement pursuant to 37 CFR 1.143. The Applicant traverses the restriction requirement on the grounds that the restricted inventions share a special technical feature and that a combined search and examination for these inventions would not impose a serious burden on the Examiner.

The Applicant respectfully submits that the result of the method of independent claim 109 (Group II) is a multilayer pipe as claimed in independent claim 73 (Group I). In view of this, both inventions share the special technical feature of the use of extrusion techniques to form pipes. Although the pipe of claim 73 (Group I) can be formed in other

ways, a search for prior art relating to the invention of Group I will inherently involve a search of prior art relating to the method of Group II.

### **Conclusion**

The Examiner is encouraged to contact the undersigned at the telephone number listed below to discuss any questions regarding the present response. If any additional fees are due in connection with the present communication, please charge such fees, or credit any overpayment, to Deposit Account No. 19-2090.

Respectfully submitted,

SHELDON MAK ROSE & ANDERSON

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